

S.R. 666 - By Senator Moore: Commending Mr. and Mrs. Marshall G. Johnson on humanitarian efforts.

S.R. 667 - By Senator Adams: Extending congratulations to Nacogdoches High School Band.

S.R. 668 - By Senator Adams: Extending congratulations to Mike Miller on "M" Award.

S.R. 669 - By Senator Adams: Extending congratulations to James B. Hull, Outstanding Forester.

S.R. 670 - By Senator Adams: Commending Jacksonville Junior High School Band.

S.R. 671 - By Senator Gammage: Extending welcome to Miss Donna Koop, et al.

S.R. 672 - By Senator Ogg: Extending welcome to Bayou City Democratic Women.

ADJOURNMENT

The President announced the purpose of the Joint Session had been concluded and declared the Senate at 1:53 o'clock p.m. would adjourn until 10:30 o'clock a.m. tomorrow in accordance with a motion previously adopted in the Senate.

SIXTY-SIXTH DAY (Wednesday, May 2, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Mauzy, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Longoria, Moore and Santiesteban.

A quorum was announced present.

The Reverend Ray Chester, Pastor, Brentwood Church of Christ, Austin, Texas, offered the invocation as follows:

Sovereign Lord, who alone art beyond temptation. We are aware of the fact that men in power are tempted to misuse power for selfish ends. We pray for our nation in this time when confidence in government has been shaken - when compromises of right are coming home to roost and expediences return to plague. We pray for the President and for the officials of government everywhere.

Especially we ask your blessings upon this body as they do their work. In the midst of complex situations and unsolved problems of man deliver us from any sense of futility. Save us all from accepting a little of what we know to be wrong in order to get a little of what we imagine to be right. May none of us tolerate in ourselves that which if multiplied would weaken the state or the nation. Through Jesus Christ our Lord. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Snelson.

Senator Longoria was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Santiesteban was granted leave of absence for today on account of illness on motion of Senator Sherman.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 2, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 150, Congratulating the citizens of Goliad on the first Fiesta Zaragoza and commending Don Ignacio Zaragoza.

H.B. 128, A bill to be entitled An Act relating to branch offices for absentee voting by personal appearance in elections; amending Paragraph (b), Subdivision 14, Section 37, Texas Election Code, as amended (Article 5.05, Vernon's Texas Election Code); and declaring an emergency.

H.B. 383, A bill to be entitled An Act relating to meetings, voting, and term of office of the chairman of the Finance Commission; amending Article 11, Subchapter I, Texas Banking Code of 1943, as amended (Article 342-111, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 620, A bill to be entitled An Act relating to ballots used at elections; revising the form of the ballot to eliminate the ballot stub which the voter signs, and adjusting voting procedures accordingly; amending the Texas Election Code as follows: Subdivision 2, Section 61, as amended (Article 6.05, Vernon's Texas Election code); Section 97, as amended (Article 8.15); and Subsection (a), Section 187, as amended (Article 13.09); and declaring an emergency.

The House refused to concur in Senate amendments to H.B. 50 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

The House refused to concur in Senate amendments to H.B. 206 and has requested the appointment of a Conference Committee to consider the differences

between the two Houses.

The House has concurred in Senate amendments to H.B. 166 by a non-record vote.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following reports for the Committee on Human Resources:

S.B. 447
S.B. 448 (Amended)
S.B. 449
S.B. 450

Senator Mauzy submitted the following reports for the Committee on Education:

H.B. 770
H.B. 1358 (Amended)
C.S.S.B. 276 (Read first time)

Senator Herring submitted the following reports for the Committee on Jurisprudence:

H.B. 596 (Amended)
H.B. 130 (Amended)
C.S.H.B. 264 (Read first time)
S.B. 634
C.S.S.B. 136 (Read first time)
C.S.S.B. 212 (Read first time)
S.B. 527
C.S.S.B. 734 (Read first time)
S.B. 551 (Amended)

Senator Hightower submitted the following reports for the Committee on Administration:

S.R. 657
S.C.R. 89
S.B. 961

SENATE BILL ON FIRST READING

By unanimous consent, the following bill was introduced, read first time and referred to the Committee indicated:

By Senator Hightower:

S.B. 963, A bill to be entitled An Act relating to membership and term of office of the Texas Commission on Interstate Cooperation; amending Section 2 and Section 3, Chapter 569, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 4413b-1, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Administration.

CONFERENCE COMMITTEE ON HOUSE BILL 50

Senator Hightower called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H.B. 50 and moved that the request be granted.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Hightower, Mauzy, Jones, Traeger and Longoria.

CONFERENCE COMMITTEE ON HOUSE BILL 206

Senator Mauzy called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H.B. 206 and moved that the request be granted.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Mauzy, Clower, Wolff, Braecklein and Harris.

HOUSE CONCURRENT RESOLUTION 150 ON SECOND READING

On motion of Senator Patman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H.C.R. 150, Congratulating the citizens of Goliad on the first Fiesta Zaragoza and commending Don Ignacio Zaragoza.

The resolution was read.

On motion of Senator Patman and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Patman, the resolution was adopted.

SENATE BILL 81 ON THIRD READING

Senator Sherman moved to suspend the regular order of business and take up S.B. 81 for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Aikin, Blanchard and Mauzy.

Absent-excused: Longoria, Moore and Santiesteban.

The President laid before the Senate on its third reading and final

passage:

S.B. 81, A bill to be entitled An Act providing standards for state administrative agency practice and procedure; etc.; and declaring an emergency.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Aikin, Mauzy, Blanchard and Harrington asked to be recorded as voting "Nay" on the final passage of the bill.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H.C.R. 154
H.C.R. 153
H.B. 1289
H.B. 543
H.B. 120
H.B. 11

HOUSE BILL 1059 ON SECOND READING

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1059, A bill to be entitled An Act relating to liens for those persons, firms or corporations who may labor, specially fabricate material, or furnish labor or material for any construction or repair under circumstances where a lien may be legally created; defining the meaning of certain words and terms as used in Chapter 2 of Title 90, Revised Civil Statutes of Texas, 1925, as amended; authorizing or requiring retainage by the owner under certain circumstances and prescribing the amount of such retainage; amending Article 5452 and 5469, Revised Civil Statutes of Texas, 1925, as amended; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 1059 ON THIRD READING

Senator Herring moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 1059 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Adams, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Mauzy, McKnight, Meier, Mengden, Ogg, Patman, Schwartz, Sherman and Wallace.

Nays: Aikin, McKinnon, Snelson, Traeger and Wolff.

Absent-excused: Longoria, Moore and Santiesteban.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 7.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Mauzy, McKnight, Meier, Mengden, Ogg, Patman, Schwartz, Sherman and Wallace.

Nays: Aikin, Blanchard, Kothmann, McKinnon, Snelson, Traeger and Wolff.

Absent-excused: Longoria, Moore and Santiesteban.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 2, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 164, Congratulating the City of Fort Worth upon its celebration of the first Trinity River Festival on May 5-6, 1973.

H.B. 369, A bill to be entitled An Act amending Article 3810 of the Revised Civil Statutes of the State of Texas of 1925, as amended (V.A.C.S., Article 3810) fixing the manner of advertising sales of real estate under deeds of trust; and declaring an emergency.

H.B. 872, A bill to be entitled An Act relating to the salary of the Criminal District Attorney of Bexar County; amending Section 8, Chapter 427, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 38831, Vernon's Texas Civil Statutes), by adding Subsection (d); repealing Section 4, Chapter 501, Acts of the 58th Legislature, Regular Session, 1963, as amended (Article 326k-50, Vernon's Texas Civil Statutes); and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

HOUSE BILLS ON FIRST READING

The following bills received from the House, were read the first time and referred to the Committee indicated:

H.B. 369, To Committee on Jurisprudence.
H.B. 872, To Committee on Jurisprudence.
H.B. 620, To Committee on State Affairs.
H.B. 383, To Committee on Economic Development.
H.B. 128, To Committee on State Affairs.

SENATE BILL 209 ON SECOND READING

Senator Ogg moved to suspend the regular order of business and take up S.B. 209 for consideration at this time.

(Senator Herring in Chair)

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, McKnight, Meier, Mengden, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Clower, Mauzy, McKinnon and Patman.

Absent-excused: Longoria and Moore.

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. 209, A bill to be entitled An Act amending Chapter 274, Acts of the 60th Legislature, Regular Session, 1967, by adding thereto a new article to be identified and codified as Article 5069-1.07, providing for determination of the rate of interest on loans secured by a lien on any interest in real property and authorizing refund or credit of excess interest charges in the event of premature termination of loans and declaring an emergency.

The bill was read second time.

(President in Chair)

Question, Shall C.S.S.B. 209 be passed to engrossment?

HOUSE CONCURRENT RESOLUTION 164 ON SECOND READING

On motion of Senator Meier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H.C.R. 164, Congratulating the City of Fort Worth upon its celebration of the first Trinity River Festival on May 5-6, 1973.

The resolution was read second time and was adopted.

CO-AUTHOR OF SENATE BILL 210

On motion of Senator Brooks and by unanimous consent, Senators Traeger and McKinnon will be shown as Co-authors of S.B. 210.

SENATE BILL 147 LAID ON TABLE SUBJECT TO CALL

On motion of Senator Gammage and by unanimous consent, S.B. 147 was laid on Table Subject to Call.

COMMITTEE SUBSTITUTE SENATE BILL 209 SET AS SPECIAL ORDER

Senator Traeger moved that C.S.S.B. 209 be Set as Special Order at 11:30 o'clock a.m., Monday, May 7, 1973.

Senator Clower made the substitute motion that the Senate take recess until 8:30 o'clock a.m. tomorrow.

Question on the motion to take recess until 8:30 o'clock a.m. tomorrow, the motion was lost by the following vote: Yeas 14, Nays 15.

Yeas: Aikin, Blanchard, Braecklein, Clower, Harris, Hightower, Mauzy, McKinnon, McKnight, Patman, Santiesteban, Sherman, Snelson and Wallace.

Nays: Adams, Andujar, Brooks, Creighton, Gammage, Harrington, Herring, Jones, Kothmann, Meier, Mengden, Ogg, Schwartz, Traeger and Wolff.

Absent-excused: Longoria and Moore.

Question recurring on the motion to set C.S.S.B. 209 as Special Order at 11:30 o'clock a.m., Monday, May 7, the motion prevailed by the following vote: Yeas 23, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Meier, Mengden, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Blanchard, Clower, Mauzy, McKinnon, McKnight and Patman.

Absent-excused: Longoria and Moore.

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Thursday, May 3, 1973

H.B. 130 - Senator Sherman
H.B. 147 - Senator Brooks
H.B. 181 - Senator Patman
H.B. 260 - Senator Mengden
H.B. 268 - Senator Creighton
H.B. 316 - Senator Gammage
C.S.H.B. 340 - Senator Gammage
H.B. 370 - Senator Mauzy
C.S.H.B. 417 - Senator Mauzy
H.B. 596 - Senator Snelson
H.B. 607 - Senator Traeger
H.B. 628 - Senator Traeger
H.C.R. 16 - Senator Aikin
S.B. 694 - Senator Mengden
C.S.S.B. 765 - Senator Ogg
S.B. 772 - Senator Ogg
S.B. 801 - Senator Snelson
S.B. 948 - Senator Aikin

Friday, May 4, 1973

S.B. 163 - Senator Adams
S.B. 164 - Senator Adams
S.B. 322 - Senator Gammage
S.B. 688 - Senator Adams
C.S.S.B. 789 - Senator Gammage

MEMORIAL RESOLUTIONS

S.R. 678 - By Senator Adams: Memorial resolution for C. O. Miller.

S.R. 683 - By Senator Snelson: Memorial resolution for William J.

"Bill" Currie.

S.R. 684 - By Senator Snelson: Memorial resolution for Judge Herbert Holmes.

CONGRATULATORY RESOLUTIONS

S.R. 673 - By Senator Wolff: Extending congratulations to Herbert Kelleher.

S.R. 674 - By Senator Adams: Extending congratulations to Billy Still, Jaycee of the Year.

S.R. 675 - By Senator Adams: Extending congratulations to Kathy Hardy, Miss Tyler.

S.R. 676 - By Senator Adams: Extending congratulations to Donna Hepler, Miss Silsbee.

S.R. 677 - By Senator Adams: Extending congratulations to Jennifer Covington, Miss Toledo Bend.

S.R. 679 - By Senator Adams: Extending congratulations to Lufkin Junior and Senior High School Bands.

S.R. 680 - By Senator Adams: Extending congratulations to Henderson County Livestock and County Fair.

S.R. 681 - By Senator Adams: Extending congratulations to Elbert McMillan.

S.R. 682 - By Senator Adams: Extending congratulations to Eileen Shaw, Who's Who, Junior College.

RECESS

On motion of Senator Aikin the Senate at 12:18 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

SIXTY-SIXTH DAY

(Continued)

(Thursday, May 3, 1973)

After Recess

The Senate met at 8:30 o'clock a.m., and was called to order by Senator Hightower.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Hightower in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of S.R. 291.